

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE INQUIRY INTO)
VERIZON DELAWARE INC.'S COMPLIANCE)
WITH THE CONDITIONS SET FORTH IN) PSC DOCKET NO. 02-001
47 U.S.C. § 271)
(FILED FEBRUARY 1, 2002))

ORDER NO. 6355

This 10th day of February, 2004, the Commission determines and Orders the following:

1. On December 22, 2003, Verizon Delaware Inc. ("VZ-DE") submitted for the Commission's consideration revisions to the "Delaware Carrier-to-Carrier Guidelines, Performance Standards, and Reports" ("DE C2C Guidelines"). According to VZ-DE, the revisions included in its draft of revised DE C2C Guidelines track (with some Delaware-specific variations) modifications recently adopted by the New York Public Service Commission ("NY PSC") for that State's "New York Carrier to Carrier Guidelines[,] Performance Standards, and Reports ("NY Guidelines")." See "Order Establishing Modifications to the Inter-Carrier Service Quality Guidelines and Delegating Authority," Case No. 97-C-0139 (NY PSC Oct. 29, 2003).¹

¹The revisions adopted by the NY PSC derived both from "consensus" and "non-consensus" proposals. According to VZ-DE, the "revised" draft of the DE C2C Guidelines also encompass several Delaware-specific variations. First, the definition section of Metric NP-1 in the Delaware draft delinks Delaware performance measurement from performance reported for Pennsylvania. Second, the language in the Delaware draft for Metric NP-1 eliminates references to New York's "End User Standard" for trunk blocking. Third, the submitted Delaware revisions delete present footnote language in the Geography section of Metric OD-1 referring to the use of combined Delaware-Pennsylvania data. This deletion reflects that reporting performance for Operator Services will now move to being Delaware-specific. Finally, the tendered draft revisions

2. In its December 2003 submission, VZ-DE is somewhat ambivalent about the extent it supports the adoption in Delaware of these NY PSC revisions. It reports that its Verizon sibling in New York has filed a petition asking the NY PSC to reconsider, and modify, several of the metrics adopted by the NY PSC in its October 29th Order. Consequently, VZ-DE asserts that it "reserves the right" to object or make further applications depending on how the NY PSC might respond to Verizon's rehearing petition. Similarly, VZ-DE "reserves the right" to propose further revisions to the DE C2C Guidelines (including the October 29 NY PSC modifications) if it concludes that such changes are warranted in light of the Federal Communications Commission's recent Triennial Review Order.

3. In its December submission, VZ-DE also proposes a schedule for the implementation of the "draft" revisions. In most instances, under VZ-DE's proposal, the revisions would become effective on the third or fourth calendar month following the date of the Commission's Order approving the change. However, VZ-DE's proposal for the implementation of the new Metric OR-11-01 is significantly different. According to VZ-DE, it cannot now make a commitment to any particular interval to implement such metric in Delaware beyond the representation that it would endeavor to implement the metric here (if adopted) promptly after it has been successfully implemented in New York. That date, VZ-DE suggests, is, at least, eight months off in New York and may be longer given the need to reconcile processes utilized by Verizon with those required by the new metric. VZ-DE suggests that

include URLs (for Metric PO-1) and geographic reporting areas (under Metrics PO-6, PO-7-04, and MR-1) appropriate for Delaware.

if this particular metric is adopted for Delaware, the Commission should not now set a definitive implementation date, but rather direct VZ-DE to submit periodic reports on its efforts to implement the metric, both in New York and here.

4. Recently, this Commission adopted a procedural template for the initial "process" for considering changes to the DE C2C Guidelines premised on modifications to the New York Guidelines adopted by the NY PSC. See PSC Order No. 6344 at ¶ 4 & Exh. "A" (Jan. 13, 2004). While the procedural steps set out in Order No. 6344 might not technically apply to this December 2003 submission, the Commission believes that those procedures can be utilized to move this matter forward in an orderly and prompt fashion.

5. Consequently, the submission made by VZ-DE on December 22nd shall be noticed, and parties afforded the opportunity to comment, under the procedures set forth in paragraphs 3 through 6 of Exhibit "A" to Order No. 6344. For purposes of the application of those procedures, the date of Friday, February 20, 2004 shall be assumed to be the date of submission under paragraphs 1 and 2 of Exhibit "A".² Using such assumption, if VZ-DE wishes to object to any of the NY PSC adopted revisions, it shall file on such date the appropriate document reflecting those objections. See Exh. "A", at ¶ 3. In addition, on that date, VZ-DE shall serve (both by e-mail and United States mail) the notices required under ¶ 4 of Exhibit "A". VZ-DE shall submit

²VZ-DE need not file anything further to comply with paragraphs 1 and 2 of Exhibit "A". If any person requests a copy of the December 22nd submission, VZ-DE shall provide an electronic copy, if available. VZ-DE shall also provide a written copy of the December submission if such form is requested by any person.

such notice for review by Staff prior to February 16, 2004, and Staff shall post such notice in accord with ¶ 5 of Exhibit "A" (again using the date of February 20, 2004 as the submission date). For purposes of the comment periods called for in paragraph 6 of Exhibit "A", the length of the comment periods should be calculated utilizing the February 6th date as the submittal date. After the close of the comment periods, the Commission will determine whether any of the NY PSC revisions should be adopted for the DE C2C Guidelines, and determine what implementation dates should apply to any such adopted revisions.³

6. As under Order No. 6344, the Commission delegates to the Commission Staff the authority to superintend the process adopted here and to resolve any questions concerning the content of notices and the relevant dates for such notices and any comments. The Executive Director is also empowered to extend any deadlines, or to modify other dates for action, for good cause.

Now, therefore, **IT IS ORDERED:**

1. That, for the reasons set forth above, the submissions made by Verizon Delaware Inc., on December 22, 2003, tendering revisions to the "Delaware Carrier-to-Carrier Guidelines, Performance Standards, and Reports" premised on revisions adopted by the New York Public

³As noted earlier, the NY PSC revisions resulted from both "consensus" and "non-consensus" proposals. Moreover, Verizon is currently seeking 3 Delaware-specific revisions. Finally, an appropriate implementation date for one metric is still the subject of some conjecture. In light of these factors, the Commission believes that the better practice here will be for the Commission to enter one or more Orders approving, rejecting, or modifying the revisions (in whole or in part) rather than allowing any of the revisions to go into effect under the procedure adopted in paragraph 7 of Exhibit "A".

Service Commission on October 29, 2003, are set for notice and comment under the procedure outlined in the body of this Order. The Commission will determine whether to adopt, reject, or modify such revisions, and the implementation dates for any revisions so adopted, by further Order.

2. That, the Commission reserves the jurisdiction and authority to enter such further Order or Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae
Chair

/s/ Joshua M. Twilley
Vice Chair

/s/ Joann T. Conaway
Commissioner

/s/ Donald J. Puglisi
Commissioner

/s/ Jaymes B. Lester
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary